THE CHARTER OF ROMNEY Marsh.

LONDON,
Printed by Iohn Wolfe,
1597.

Charta Henrici Regis

Angliæ de ordinatione Mariſci de Romene.

HEnricus Dei gratia, Rex Angliæ, Dominus Hibernie, Dux Normandie, & Comes Andeg. Omnibus Balliuis ſuis & fidelibus ſuis, ad quos preſentes litere peruenerint, ſalutem. Quia per viginti quatuor legales homines de mariſco de Romeney, a tempore quo non extat memoria, ad hoc electos & Iuratos, debent diſtrictiones fieri, ſuper omnes illos qui terras & tenementa habent in dicto mariſco, ad reparandum wallias & watergaugia eiuſdem mariſci contra maris periculum. Et etiam ſuper omnes, qui ad reparationem predictarum walliarum & watergaugiorum obligati ſunt & tenentur, Nos conceſſimus eiſdem viginti quatuor, quod pro ſecuritate dicti mariſci, diſtrictiones illas fieri faciant, ita quod equę fiant, ſecundum portiones maiores & mino-

The

The Charter of Henry *King of England, concerning the* ordinance of Romeney Marshe.

HEnry by the grace of God, King of England, Lorde of Ireland, Duke of Normandy and Earle of Indeg. To all his Bayliffes and faithfull Subiects, to whome these present letters shall come, greeting. Because by foure and twenty lawfull men of Romney Marshe (time out of minde) hereunto chosen and sworne, distresses ought to be made vpon all those which haue lands and Tenements in the sayd marshe, To repaire the walles and watergauges of the same marshe, against the daungers of the Sea. And also vpon all those which are bound and charged for the reparation of the sayde walles and watergauges: Wee haue graunted to the same foure and twenty, that for the safety of the said marsh, they cause those distresses to be done, so that they be made equall, according to the portions greater and lesser,

ſer, which men haue in the ſame Marſhe, and according to that which ſome are bound and charged. And therefore we will and graunt, that none of our Sheriffs of Kent, or any his Bayliffes, do in any wiſe intermeddle touching thoſe diſtreſſes made by conſideration of the ſame foure and twenty Iurors to auoide the ſame daunger. For whoſoeuer ſhall bring complaint vnto vs, of the conſideration of thoſe diſtreſſes, wee will cauſe Iuſtice to be done vnto him in our Court, and that Iuſtice we reſerue ſpecially to our ſelfe, or our ſpeciall commandement. In witnes whereof, theſe letters we haue cauſed to be made patents. Witnes my ſelfe at S. Edmonds, the ſecond day of September, in the ſixe and thirtith yeare of our raigne.

res, quas homines habent in eodem manſco, & ſecundum quod quidam ad hoc obligantur & tenentur. Et ideo volumus & concedimus, quod nullus vicecomes noſter Scaneie, vel aliquis Balliuorum ſuorum, de diſtrictionibus illis per conſiderationem predictorum viginti quatuor Iuratorum factis propter predictum periculum euitandum, in aliquo ſe intromittant. Quicunque enim de conſideratione ipſarum diſtrictionum, ad nos querelam detulerit, nos ei in Curia noſtra iuſtitiam fieri faciemus, & illam iuſtitiam nobis vel mandato noſtro ſpeciali, ſpecialiter reſeruamus. In cuius rei teſtimonium, has literas noſtras fieri fecimus patentes. Teſte meipſo apud ſanctum Edmundum. Secundo die Septembris. Anno regni noſtri triceſimo ſexto.

¶ Ordinatio Henrici de Bathonia, Iusticiarii domini regis Henrici, filii regis Iohannis, facta per preceptum eiusdem domini regis, super contentione orta inter viginti quatuor Iuratores & homines de mariſco de Romenale, de reparatione walliarum & watergagiorum, ibidem exiſtentium apud Romenal, die Sabbati proximè poſt Natiuitatem beate Marie Virginis, Anno regni regis Henrici predicti quadrageſimo ſecundo, aſſociatis ſibi Nicholao de Handlo, & Aulredo de Dene, &c.

Ominus rex mandauit predicto Henrico de Bathonia, quod cum iudicia fieri debeant per viginti quatuor legales hõmines, de mariſco de Romenal, ad diſtrictiones faciendas ſuper omnes illos, qui terras, & tenementa habẽt in predicto mariſco, ad reparandũ wallias & watergaugia eiuſdẽ mariſci, contra maris impetum & inundationem aliarum aquarum. Et etiam ſuper omnes illos qui ad reparationem predictarum walliarum & watergaugiorum aliàs obligati ſunt vel tenentur. Et eiſdem viginti quatuor Iuratis, Dominus rex, per literas ſuas patentes, nuper conceſſiſſet, quod pro ſecuritate predicti mariſci, diſtrictiones predictas fieri facerent, ita quod debitè fierent, ſecundum portiones

¶ The ordinance of Henry of Bathonia, Iustice of our Lord King Henry, sonne of King Iohn, made by precept of the same Lord the King, vpon contention arisen betweene the foure and twenty Iurors, and the men of Romeney marsh, touching reparation of the walles and watergauges there being, at Romeney, on Saterday next after the Natiuity of the blessed Virgin Mary, in the two and fortith yeare of the said King Henry, adioyning to him Nicholas of Handlo, and Iuired of Deue, &c.

OVr Lord the King hath giuen in charge to Henry of Bathonia, that whereas iudgement ought to be done by foure and twenty lawfull men of Romeney marsh, to distreine vpon all those which haue lands and tenements in the sayd marshe, to repaire the walles and watergauges of the same marshe, against the force of the Sea, and inundation of other waters, and also vpon all those which are bound and charged with the reparation of the same walles and watergauges. And to the same foure and twenty Iurors, our Lord the King by his Letters Patents hath lately graunted, that for safety of the sayde marshe, they should cause distresses to be made, so that they may be duelie done, according to the portions,

greater or lesse, which men haue in the same marshe, and according as some are bound and holden hereunto. So that no Sheriffe nor Bailiffes, do in any wise intermeddle with those distresses made by consideration of the foresayd foure and twenty Jurors for anoyding the daunger aforesayde. But if any should thinke himselfe grieued vniustly touching the consideration of those distresses, and would complayne thereof, he should bring his complaint vnto him our Lord the King, and he would cause Justice to be done to him in his Court, and that Justice had specially reserued to him our Lord the King, or to his speciall mandate. The sayd foure and twenty Jurors (for the consideration and resistance of certaine men of the same marshe, which are bound to repaire the same walles and watergauges, according to the quantity of the lands and Tenements which they haue in the same marshe) cannot make the same distresses, whereby the walles and watergauges lye ruynated. By reason whereof the inundations of the Sea and other waters do ouerflow a great part thereof, to the great detriment of our sayd Lord the King, and men of the same marshe. The our Lord the King, hath appointed the sayd Henry, his Justicer, to heare and determine the contentions arisen touching the same reparation, betweene the same foure and twen-

maiores

maiores & minores, quas homines habent in eodem mariſco, & ſecundum quod quidam ad hoc obligantur vel tenentur. Ita quod nullus Vicecomes domini regis Kancie, vel aliquis Balliuorum ſuorum, de diſtrictionibus illis per conſiderationem predictorum viginti quatuor Iuratorum factis propter periculum predictum euitandum, in aliquo ſe intromittant. Sed ſi quis de conſideratione predictarum diſtrictionum ſe iniuſte grauatum ſentiret, & inde conqueri vellet, ad ipſum Dominum regem, querelam ſuam deferret, & ipſe ei in Curia ſua iuſtitiam fieri faceret, & illam iuſtitiam, ipſi domino regi vel mandato ſuo ſpeciali ſpecialiter reſeruaſſet, iidem viginti quatuor Iuratores, propter conſiderationem & reſiſtentiam quorundam hominum de predicto mariſco, qui ad reparationem dictarum walliarum & watergagiorum, ſecundum quantitatem terrarum & tenementorum que habent in eodem mariſco tenentur, dictas diſtrictiones facere nequeant, vnde wallie ille & watergaugia irreparate exiſtunt per quod inundationes maris & aliarum aquarum de dicto mariſco magnum occupant ſpatium, ad ipſius domini regis & hominum dicti mariſci ineſtimabile diſpendium. Ipſe dominus rex, dictum Henricum conſtituit, Iuſticiarium ſuum, ad audiendum & terminandum contentiones ortas de reparatione predicta, inter predictos viginti qua-

tuor Iuratos, & homines predicti Mariſci. Et prouidendum ſecuritati & defenſioni predicti mariſci, contra maris & aliarum aquarum inundationem & periculum, per reparationem predictarum walliarum & watergaugiorum faciendam, per eos qui ad reparationem illam, ſecundum quantitatem terrarum & tenementorum que habent in eodem mariſco tenentur, & ſecundum quod quidam ad hoc, alias obligantur & tenentur. Mandans eidem Henrico, dictus dominus rex, quod ad diem & locum quos ad hoc duxerit prouidendum eſſet in partibus illis, ad predicta faciendum ſicut predictum eſt: Et quod ipſe quid inde fecerit, ipſi domino regi in ſcriptis, diſtinctè & apertè ſcire faceret, vt idem dominus rex ea irrotulari facere poſſet, &c.

Per quod mandatum, idem Henricus die ſupradicto, exiſtens apud Romenal aſſociatis ſibi predicto Nicholao de Handlo, & Aulredo de Dene, & aſſiſtente eidem Vicecomite Kancie, qui per preceptum domini regis ad diem illum, coram illo venire fecit, tot & tales probos & legales homines de balliua ſua, per quod dicte contentiones terminari, & dicta prouiſio melior fieri poſſunt, nullo homine de predicto mariſco tunc contradicente; Dictus Henricus communitatis predicti mariſci ſimiliter ibidem tunc exiſtentis, interueniente conſilio ordinauit in

tie Jurors, and men of the sayde marshe. And to prouide for securitie and defence of the said marshe against inundation and perill of the Sea and other waters, by reparation of the saide walles and watergagies to be made by them which are bound to repaire it, according to the quantity of the lands and Tenements which they haue in the same marsh, and according to that which some are otherwise bound and holden hereunto. Our sayd Lord the King commaunding the sayd Henry, that at the day and place which he should limit, he should prouide to dispatch the same as is aforesaid: And what he shall do therein, that to him the sayd Lord the King he make knowne distinctly and plainely in writing, that the same Lord the King might cause it to be inrolled, &c.

By which mandate, the said Henry, in the day aforesaid being at Romeney, repaired to him the same Nicholas de Handlo, and Aulred of Dene, and the Sheriffe of Kent assisting him, which by precept of our Lord the King at the same day, caused to come before him so many and such honest and lawfull men of his Bailiwick, by which the same strifes may be ended, and the same prouision may the better be effected, none of the same marsh then withstanding it, The sayde Henry in the presence of the Communalty of the sayde marshe then being there with their Counsell pleading, ordayned as

followeth:

followeth: That is to say, that by the whole communalty of the same marshe, twelue lawfull men may be chosen, to wit, fiue of the fee of the Archbishop of Canterbury, and fiue of the Barony, which being sworne, shall measure the walles new and olde, and those which ought to be new erected. And the same measuring should be done by one and the same perch, to wit, of twenty fotes. And afterwards the same Iurors vpon their oathes also by the same perch shall measure by all the Acres lands and Tenements which are subiect to danger within the same marshe: Which measurings being done, the twenty foure, by the communalty first elected and sworne, hauing respect to the quantity of the walles, lands & Tenements which are subiect to perill by their oath shall ordaine, how much apperteineth to euery one to vphold and repaire the same walles. So that for the portion of Acres of lands lying subiect to danger, there be alligned to euery one his portion of Perches by certaine bounds: so as it may be knowen where and by what places euery one ought to make defencible, and when neede shall be, by whose occasion the perill and force of Sea ought to be withstood by repairing the same walles, And there ought to come the foure and twenty Iurors to see through which of the same places such neede chaunceth, and

forma

forma ſubſcripta: videlicet quod per totam communitatem dicti mariſci eligantur duodecim legales homines, videlicet ſex de feodo Archiepiſcopi Cantuarienſis, & ſex de baronia qui iurati menſurabunt wallias nouas & antiquas, & illas qui de nouo conſtrui oporteat. Et debet fieri eadem menſuratio per vnam & eandem perticam, ſcilicet viginti pedum. Et poſtea predicti Iurati per eorum ſacramentum ſimiliter per eandem perticam menſurabunt, per acras omnes, terras & tenementa que infra dictum mariſcum periculo ſubiacent. Quibus menſurationibus factis, viginti quatuor per communitatem prius electi & iurati, habito reſpectu ad quantitatem walliarum, terrarum & tenementorum, que periculo ſubiacent, per eorum ſacramentum ordinabunt, quantum ad predictarum walliarum ſuſtentationem & reparationem faciendam & ſuſtinendam, ad quemlibet pertineat: Ita quod pro portione acrarum terrarum periculo ſubiacentium ſingulis aſſignetur ſua portio perticarum, & predicta aſſignatio fiat per loca certa. Ita vt ſciatur vbi & per que loca, ad quantum ſinguli defendere teneantur. Et cum neceſſitas euenerit cuius occaſione oporteat periculo & impetu maris obuiare vel reſiſtere per reparationem walliarum predictarum, conuenire debent viginti quatuor iurati, ad videndum per que loca predicta emineat neceſſitas, &

cui

cui & quibus predicta loca assignata fuerint defendenda, & ipsum terminum predicta loca oporteat reparare. Qui quidem communis Balliuus illis quibus predicta loca assignata fuerint defendendâ, scire faciet, quod loca illa defendent, & reparare faciant, infra terminum a predictis viginti quatuor Iuratoribus, assignatum, infra quem terminum, si ipsi ad hoc facere neglexerint: dictus balliuus communis de suo proprio, tales reparationes fieri faciet, per visum viginti quatuor Iuratorum. Et idem negligens eidem balliuo duplum reddere tenetur pro custa appositio circa huiusmodi reparationes, quod duplum reseruetur ad vtilitatem dictarum reparationum. Et super hoc huius negligens distringi possit per terras suas, infra dictum Mariscum. Et si alique pertcule terrarum tenentur in communi, a participibus, ita quod ad quemlibet participem, pro portione partis suæ assignari non possit, locus certus, scilicet integra vel medica pertica, pro paruitate dicte pertcule, tunc per sacramentum viginti quatuor Iuratorum ordinabitur & videbitur ad quantum predicta terra que sic tenetur in communi sufficiat defendere, & assignabitur certa portio defensionis, predictis participibus in communi pro portione terre sue communis. Et si quis partitipum, partem suam neglexerit defendere cum per predictum Balliuum dicti participes fuerint admoniti,

to whome the same places were assigned to be defended, and ought the same time to be repaired. Which common Bailiffe shall giue notice to them, to whome the same places were appointed to be kept, that they repaire & amend the same places within the time by the saide 24. Iurors appointed. Within which time if they neglect to do it, the sayd common Bailiffe of his owne charge shall repaire such defaults by the view of the 24. Iurors, and the same partie neglecting, shall be compelled to pay double costs to the same Bailife for his charges laid out vpō the same reparations, which double must be reserued for the benefit of the same reparations. And moreouer, the negligent herein may be distreined by his lands within the same marshe. And if any Pearches of lands be holden in cōmon of partners, so that to euery partner, a certaine place for the portion of his part cannot be appointed, to wit: all or haife a pearch by reason of the smalnes of the same pearch. Then by the oath of the foure and twenty Iurors it shall be ordayned & seene, how much the same land which is so holden in common ought to defend, and there shall be a certaine portion of defence assigned to the same partners in common for the portion of their common land. And if any of the partners shall be remisse in defending his part whē the same partners shall be warned by ȳ said Bailife, the part of ȳ partner so remisse,

may be assigned to the other partner which shall make defence. And they which hold in their owne hand the part of the partner neglecting, shall keepe it vntill he neglecting shall pay double the costes bestowed about the same defence conteyning his part by the viewe of the foure and twenty Jurors for the benefite of the same reparations as is afore sayde. And if all the same partners shall be negligent about the same, then the sayde common Bailiffe shall make the same defence of his owne cost, and may distreyne the same partners afterwards for double the costs about the same defence by viewe of foure and twenty Jurors as is afore-sayde. The right of the chiefe Lords of the fee in the foresayde marshe which they haue towards the Tenants of this defence, according to their feoffaments reserued. And that all the landes in the marshe may be kept against force of Sea, and inundations of fresh waters by the walles and watergauges by the oath and consideration of twenty foure Jurors for the least hurt and best safetie, as of olde time was vsed. Hauing also the tenor of the Charter of our Lord the King to the communalty of the sayde marshe graunted, that no Sheriffe, nor any his Bayliffe or Minister, make any distresse within the same marshe, by occasion of any the sayde Articles, as in

rs participis negligentis aliis participibus
ssignetur, qui defensionem facient. Et qui
artem participis sui negligentis in manu
ua tenent, illam tenebunt, donec ipse negli-
ens appositi custus circa predictam defensi-
nem, partem suam contingentem, per vi-
m viginti quatuor Iuratorum, duplum
oluerit, ad vtilitatem predictarum repatati-
num, sicut dictum est. Et si omnes huius
articipes circa predicta negligentes extite-
nt, tunc predictus communis Balliuus to-
m defensionem predictam faciet de suo
roprio, & predictos participes postea ad
uplum custi circa huiusmodi defensionem,
r visum viginti quatuor Iuratorum appo-
i distringat, sicut predictum, saluo capita-
bus dominis feodi in predicto mariſco iure
o quod habeant versus tenentes suos de
iius defensione, secundum Feoffamenta
a; Et quod omnes tenentes in mariſco custo-
antur contra maris impetum & aquarum
lcium inundationes per wallias & water-
ugia per sacramentum & considerationem
ginti quatuor Iuratorum, ad minus per-
endum & ad plus saluandum sicut antiqui-
s vtebatur. Saluo etiam tenore carte domi-
Regis Communitati dicti mariſci concesse,
aliquis Vicecomes Kancie nec Balliuus
ius aut minister aliquis infra dictum mariſ-
um aliquam faciat districtionem, occasione
liquorum dictorum articulorum, sicut in

predicta carta continetur; Que quid
Carta ista non obstante ordinatione in
perpetuo robore perseueret, &c.

Rex Vicecomiti Kancie salutem. Cum
per assignauerimus dilectum & fidelem
strum Henricum de Bathonia ad audiend
& terminandum contentiones habitas i
24. legales homines de mariſco de Rome
per quorum considerationem reparatio
walliarum & watergaugiorum eiusdem
risci contra maris impetum, & periculu
liarum aquarum ibidem inundantium
debent, & alias terras & tenementa in eod
mariſco habentes, qui wallias & waterg
gias illas reparare debent & solebant.
dem Henricus ad partes illas personaliter
cedens, ordinauerit quod secundum co
derationem predictorum viginti quatuor
ratorum districtiones fierent pro reparati
walliarum & watergaugiorum predictar
Ita quod nullus Vicecomes aut alius B
uus noster se intromittent de districtioni
predictis, sicut in rotulis Cancellarie no
ordinationem illam exprimentibus cont
tur. Tu nichilominus districtiones illas pr
ter hoc factum, per viginti quatuor Iurat
in preiudicium considerationis eorun
relaxasti. Et quia si quis se grauarum senc
ex consideratione predicta pro qua conq
voluerit, ad nos venire debet remedium p
turus. Tibi precipimus, quod de distric

ſayde Charter is conteyned; Which
harter, this ordinance notwithſtan-
ng ſhall continue in his perpetuall
ce, &c.

The King to the Sheriffe of Kent gree-
ng. Whereas we lately appointed our be-
ed and faithfull Henry de Bathonia to
are and determine variances depending
weene 24. lawfull men of Romney marſh,
whoſe conſideration the walles and wa-
gauges of the ſame marſhe againſt the
ce of the Sea and perill of other wa-
s there ouerflowing, ought to be repai-
d, and ſuch as haue other Lands and
enements in the ſame marſhe, which
ght and were wont to repayre thoſe
alles and watergauges. And the ſayd
enry going in perſon to thoſe partes, or-
yned, that according to the conſideration
the ſayd foure and twenty Iurors diſ-
elles ſhould be made for reparation of
e ſayd walles and watergauges. So that
Sheriffe or other our Bailiffe do inter-
eddle with the ſame diſtreſſes, as in the
oules of our Chauncery expreſſing that
dinance is conteyned. Neuertheles, you
ne releaſed thoſe diſtreſſes for this deede done,
24. Iurors, to the preiudice of their conſi-
ration. And becauſe, if any thinke himſelfe
rieued of the ſame conſideration, for which
e will complaine, he ought to come to vs to
eeke remedie. We commaund you, that in

no wise you meddle with the same distres-ses, but cause them to be returned by the foure and twenty Jurors and their Bailiffe appointed hereunto, that no further com-plaint thereof come to vs for which we may be displeased with you. Witnes my selfe at Westminster the twentith day of Aprill, in the three and fortith yeare of our raigne, by Henry de Bathonia, &c.

Then followeth the number of all the Acres within the same marshe, as is found by measure taken in the two and fortith yeare of king Henry, and also the agistatio as well in the great wall of Apuldre, as in the little wall, to the quantity of the lands holden within &c.

Hamo Witte, John Cobbe, Henry le Long, and John Ermynard, were attached to answere vnto Godefry le Fanconer, for that they with others, lately came to the Man-nor of the sayd Godfry in Hurst, & his goods and chattels there found to the value of twenty pounds, toke and carried away, and other dammages and grieuances to him there did, to his great losse, and a-gainst the peace &c. And whereof the sayd Godfrey complayneth, that on Thursday in Easter weeke, in the yeare &c. the same Hamo with others, toke tenne kine in the towne of Hurst, &c. whereby he saith, he is dam-nified, and hath lost to the value &c. and

aibus

nibus predictis in nullo te intromittas, sed eas viginti quatuor Iuratoribus & eorum Balliuo ad hoc deputato, districtiones illas returnari facias. Ne iteratus clamor ad nos inde perueniat, pro quo ad te grauiter capere debeamus. Teste meipso apud Westmonasterium vicesimo die Aprilis, Anno regni nostri quadragesimo tertio, per Henricum de Bathonia, &c.

Tunc sequitur numerus omnium acrarum infra dictum mariscum sicut reperitur per mensuram factam, Anno regni regis Henrici quadragesimo secundo, & etiam agistatio tam in magna wallia de Apuldre, quam in parua wallia, ad quantitatem terrarum tenementum infra, &c.

Hamo Pitte, Iohannes Cobbe, Henricus le Long, & Iohannes Ermynard attachiati fuerunt, ad respondendum Godefrido le Fauconer, quare ipsi simul cum aliis, nuper venerunt ad manerium ipsius Godefridi in Hurst, & bona & catalla sua ibidem inuenta ad valenciam viginti librarum ceperũt & asportauerunt, & alia damna & enormia ei ibidem intulerunt, ad ipsius graue damnum, & contra pacem, &c. Et vnde predictus Godefridus conqueritur, quod die Iouis in septimana Pasche, Anno &c. Ipse Hamo simul cum aliis ceperunt decem vaccas in villa de Hurst, &c. Vnde dicit quod deterioratus est, & damnum habet ad valenciam, &c. Et

Godfridus de Fauconer. p Hamo Pitte et als Dist

inde producit sectam, &c. Et predictus Hamo & alii venerunt & defenderunt &c: & quicquid quod est contra pacem &c. quando &c. & bene cognoscunt quod ipsi ceperunt decem vaccas predictas &c. ipsius Godefride iuste & in pace domini regis, quia dicit quod predictus Godefridus habet terras &c. in mariseo de Romeney vbi omnes tenentes terras & tenementa in eodem mariseo secundum quantitatem terre sue debent facere wallias & watergaugias contra mare, propter inundationes aquarum, ac viginti quatuor homines legales de dicto mariseo electi per communitatem dicti mariscí, & Iuratores super Tenentes in eodem mariseo facere debent districtiones, secundum quantitatem tenementorum suorum cum necesse fuerit, ad predictas wallias & watergaugias faciendum & reparandum. Qui quidem Iurati in eodem mariseo, prout moris est, eo quod omnes ad hoc vacare non potuere, elegerunt predictum Hamonem, ad faciendum predictas districtiones, & ipsum fecerunt Balliuum suum ad hoc faciendum, & istam libertatem habent per antiquam consuetudinem eiusdem mariscí, & per cartam domini regis quam nunc proferunt in hec verba. Henricus dei gratia &c. Vnde dicit, quod ratione defectus ipsius Godefridi, iuste fecit super ipsum predictum districtionem ad predictas wallias & watergaugias reparandas,

thereupon

thereupon bringeth ſute &c. And the ſayd Hamo and others came and defended &c. and ſo farreforth as is againſt the peace, &c. when &c. and they well acknowledge that they toke tenne kine aforeſayd &c. of the ſayd Godfrey iuſtly, and in the peace of our Lord the King, becauſe, he ſayth that the ſayd Godfrey hath lands &c. in Romeney marſh, where all the Tenants hauing lands and Tenements in the ſame marſhe, ought according to the quantity of their land, to make walles and watergauges againſt the Sea for the inundations of the waters, and 24. lawfull men of the ſame marſh being choſen by the Communaltie of the ſame marſh, and the Jurates ought to make diſtreſſes vpon the Tenants in the ſame marſh, according to the quantity of their Tenements, when it ſhall be neadefull, to repaire the ſame walles and watergauges. which Jurats in the ſame marſhe, as the matter is, for that they all could not be at leaſure, haue choſen the ſayd Hamo to diſtreine, and haue made him their Bailiffe to do it, and this libertie they haue by ancient cuſtome of the ſame marſh, and by charter of our Lord the King, which they produce, in theſe words, Henry by the grace of God &c. whereby he ſayth, that by meanes of the default of the ſayd Godfrey, he lawfully toke the ſame diſtreſſe for repairing ꝑ ſame walles & watergauges,

of which in the wall of Apuldre there were assigned to him for his part, by the same Jurates, three pearches and halfe at the least at his charges to be repaired, And more, according to the inundations of waters, if it shall be needefull through diuers places, and that they take a greater distresse, vnlesse they will do it, they put themselues vpon their countrey, &c. Notwithstanding, they say they tooke of one W. W. 6. bullocks, who was the farmer of the said Godfrey, and 10. lambs of J. N. tenants of the same Godfrey, by reason of the defects of the same walles & warpynges, for which they afterwards paid, & had their beasts againe. Being required for what they made the first distresse, and for how much the second, they say, that the first default of the said Godfrey was estemed at foure marks, and the second default at 48. shillings. And the same Godfrey saith, that he holdeth his Tenements in the same marshe of the gift and graunt of the Lord Henry, late King of England, Grandfather of our now Lord King Henry, the which the same Lord Henry hath giuen to one William the sonne of Walder, the predecessor of the sayd Godfrey, whose heire &c. By which graunt, his predecessors and he afterwards held his Tenements in the same marshe, alwaies as freely and quietly as the said Walder held them before. And they say, that neither of his predecessors nor of him any

de

de quibus in wallia de Apuldre ei assignatæ sunt, ad portionem suam, per predictos Iuratos, tres perticate & dimidium ad minus ad custum suum reparandum, & secundum inundationem aquarum plus, si necesse fuerit per loca diuersa, & quod super ipsum maiorem districtionem nisi fecerint ponunt se super patriam &c. Dicunt tamen quod ceperunt super quendam A. B. sex bouiculos, qui fuit firmarius ipsius Godefridi, & decem agnos super I.N. tenentes ipsius Godefridi, ratione defectuum predictarum walliarum & watergaugiarum, propter quod post modum ipsi satisfecerunt & rehabuerunt aueria sua. Quesitis pro quanto fecit primam districtionem & pro quanto secundam dicunt quod primus defectus ipsius Godefridi estimabatur ad quatuor marcas, & secundus defectus ad quadraginta octo solidos. Et predictus Godefridus dicit, quod ipse tenet tenementa sua in mariſco predicto, ex dono & concessione domini Henrici quondam regis Anglie, aui domini regis Henrici nunc, que idem dominus Henricus dedit cuidam Willelmo filio Balderi antecessori ipsius Godefridi, cuius heres &c. per quam concessionem antecessores sui, & ipse postea semper tenuit tenementa sua in predicto mariſco, adeo liberè & quietè sicut predictus Balderus ea prius tenuit. Et bene dicunt quod nec ab antecessoribus suis, nec ab ipso

nunquam

nunquam fuit quesita huiusmodi consuetudo, ad dictas wallias & watergaugias reparandas, nisi iam quintis annis elapsis, postquam predictus Hamo factus fuit Balliuus, ad predictas wallias & watergaugias custodiendas, nec vnquam aliquo tempore ea fecerunt. Et profert cartam ipsius Henrici regis in hec verba. Henricus Dei gratia Rex Anglie &c. Archiepiscopo Cantuarienſis &c. Et dicit quod predictum scoffamentum tenuere anteceſſores ſui, predicta tenementa adeo libere, quod nunquam fecerunt nec reparauerunt wallias nec watergaugias nec ipſe, poſtquam terras illas tenuit, nec anteceſſores ſui diſtricti fuerunt, quouſque iam quinque annis elapſis vel ſex; quod predictus Hamo & alii ceperun aueria ſua. Et deſicut ipſi cognoſcunt quod fecerunt ſuper ipſum, predictam diſtrictionem pro defectu reparationis predictarum walliarum & watergaugiarum, quas nec ipſe nec anteceſſores ſui, fecerunt nec vnquam facere conſueuerunt, petit iudicium de eorum recognitione. Et predictus Hamo & alii dicunt, quod aliquo tempore fuit contentio inter Tenentes in predicto mariſco ſuper reparatione predictarum walliarum & watergaugiarum, ita quod placitum motum fuit inde in comitatu coram Vicecomite, propter quod viginti quatuor Iurati ſententes ſe grauatos venerunt ad Curiam domini regis & conqueſti

ſuch cuſtome was euer ſought to repaire the ſame walles and watergauges, vnleſſe fiue yeares paſt, after that the ſayd Hamo was made Bailiffe, to keepe the ſame walles and watergauges, neither did they euer at any time do it. And he bringeth the Charter of the ſaid King Henry, in theſe words: Henry by the grace of God, King of England, &c. To the Arthbiſhop of Canterbury, &c. And ſaith, that by the ſame feoffament, his auncestors haue held the ſame Tenements ſo freely, that they neuer made nor repaired the walles nor watergauges, neither was he, after that he held thoſe lands nor his predeceſſors diſtreyned, vntill now fiue or ſixe yeares paſt, that the ſayd Hamo and others haue toke the beaſts, and as they knowe which made vpon him the ſame diſtreſſe for default of reparacion of the ſame walles and watergauges, which neither he nor his predeceſſors haue done, nor euer vſed to do, deſireth iudgement of their acknowledgement. And the ſayd Hamo and others ſay, that ſometime there was contrauers twixt the Tenants in the ſayd marſhe vppon the reparation of the ſame walles and watergauges, ſo that plea was moued thereby in the Countie before the Sheriffe, for which the foure and twenty Iurats finding themſelues grieued, came to the Court of our Lorde the King, and complayned

of

of the sayd Sheriffe, alledging that the same plea appertayned not to the Sheriffe to be holden, so that by counsell of our Lord the King it was prouided that there might be sent the Iustices of our Lord the King, to ordaine and dispose that which should be meete to appease those strifes. So that Henry de Bathonia was sent thether, and all the Tenants of the sayde marshe had commons of fortie dayes, as he was in the iourney with the Iustices. And the sayd Henry, hauing seene the walles and water-banckes aforesayd by assent and will of the whole communaltie of the sayde Marshe, hath ordayned that the Archbishops, Bishops, Abbots, Priors, Earles, Barons, and all Tenants in the same marshe, shall contribute, according to the quantity of their tenure, to make against the same walles & watergauges, whereby as the sayd Godfrey will be defended by the walles & watergauges, he requireth that he contribute to repaire them, as before the sayd Iustice it was ordayned. And that the ordinance is such as aforesaid, he referreth himselfe to the record of the rowles of the sayd Henry de Bathonia. Also he saith, that it is needfull that he contribute to repaire the same walles, &c. for that he saith, that except his land should be defended by the said walles, all his land would be ouerflowen and walled. And the sayd Godfrey sayth, that although the same

Demanby

fuerunt

fuerunt de Vicecomite asserentes, quod huiusmodi placitum non pertinuit ad Vicecomitem tenendum, ita quod per consilium domini regis prouisum fuit, quod ibidem mitterentur Iusticiarii domini regis, ad ordinandum & disponendum quod iustum esset de huius contentionibus. Ita quod Henricus de Bathonia ibidem missus fuit, & omnes Tenentes dicti marisci habuerunt summonitionem quadraginta dierum sicut fuisset in itinere Iusticiarioriis. Et ipse predictus Henricus, visis predictis walliis & watergaugiis, per assensum & voluntatem totius communitatis predicti marisei ordinauit, quod Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes Tenentes in eodem marisco contribuerunt, secundum quantitatem tenementi sui, ad predictas wallias & watergaugias reficiendas, vnde sicut predictus Godfridus vult defendi per predictas wallias & watergaugias, petit quod contribuat ad easdem reparandas sicut coram predicto Iusticiario fuit ordinatum. Et quod talis sit ordinatio, sicut predictum, ponit se super recordum rotulorum predicti Henrici de Bathonia. Dicit etiam quod necesse est quod ipse contribuat ad predictas wallias, &c. quia dicit quod nisi terra sua per predictas wallias esset defensa, tota terra sua esset superundata & falsata. Et predictus Godfridus dicit quod licet predicta ordina-

ordinatio facta fuisset per predictum Henricum ipse Godefridus nunquam eidem ordinationi consensit, nec summonitus fuit, nec vocatus venire coram ipso ad ipsam ordinationem faciendam; dicit etiam quod nec ante ipsam ordinationem nec post, ipse nec antecessores eius, nuper fecerunt huiusmodi contributionem, sed semper tenuerunt terram suam quiete ab omnimoda exactione, secundum tenorem predicte Carte Henrici regis aui regis nunc, quousque iam duobus annis elapsis, predicti Hamo & alii ceperunt aueria sua, vnde petit iudicium si predictus debeat ei nocere in hac parte. Et predicti Hamo & alii dicunt quod ipse habuit communem summonitionem quadraginta dierum, sicut tota communitas predicti marisci, quam ipse ignorare non debuit, vnde dicit quod licet ibidem nollet venire, sicut debet cum vicinis suis, non debet esse quietus propter hoc a predicta contributione, ad predictas wallias reparandas, desicut communis vtilitas est omnium tenentium in dicto marisco, quod tam terra ipsius quam terra aliorum tenentium defendatur per predictas wallias & watergaugias, vnde petit iudicium, dicit etiam quod post predictam ordinationem dederunt, predictus Godfridus & homines sui vnam marcam ad wallias & watergaugias predictas reparandas, antequam idem Hamo esset Balliuus, & quod ita sit

paratus

ordinance had beene made by the said Henry, the said Godfrey neuer consented thereto, neither was sommoned nor called to come before him to make the same ordinance: He also sayth, that neither before the ordinance nor after, he nor his predecessors did lately make such contribution, but alwayes held their land quietly from all manner of exaction according to the tenor of the sayde Charter of King Henry, Grandfather to the now King, vntill two yeares past, the sayd Hamo and others tooke his beastes, whereof he prayeth iudgement whether the same do hurt him in this behalfe. And the sayd Hamo and others say that he had a common summons of fortie dayes, as all the Communalty of the same marshe had, which hee ought not to be ignorant of, whereby he saith, that although he would not come thether as he ought with his neighbors, he ought not to be therefore freed from the same contribution to repaire the walles, insomuch that it is the common benefite of all the Tenants in the sayd marshe, that aswell his land as the land of the other tenants may be defended by the same walles & watergauges, whereof he desireth iudgement. He also sayth, that after the same ordinance, the sayde Godfrey and those men haue giuen a marke to repaire the walles and watergauges aforesayde before the sayde Hamo was Bailiffe, and that

he is ready to verify the same &c. And Godfrey sayth that he holdeth himselfe to the same Charter of our Lord the King, and to his liberty which he and his predecessors vsed, against which none ordinance being made by the sayd Henry, can nor ought to hurt him, and he well defendeth, that neither he nor any by him, hath giuen any thing at any time, before the sayd ordinance nor after to the same reparation. And this he is ready to verify &c. Afterwards in the morrow after Saint Martin in the two and fortith yeare, there came the said G.H. and others &c. And it was commanded to the Sheriffe, that he cause to come, in three weekes after Easter whersoeuer, twelue aswell knights, as &c. by which &c. And which neither &c. nor haue lands in the sayd marsh &c. if the said Godfry and his predecessors after that they had his land of Hurst, of the gift and graunt of our Lord Henry, King of England, &c. together with other men, hauing land in the sayd marshe, were wont to repaire the walles and watergauges, and to contribute with the same men to repaire them when it hath beene nedefull, whereof the sayd Godfrey by a certaine ordinance in which he graunted before Henry de Wathonia, whom the Lord the King had sent in that behalfe, gaue a marke to repaire the sayd walles and watergauges before the sayd Hamo was Bayliffe of the sayd

paratus

paratus est verificare &c. Et Godefridus dicit quod tenet se ad predictam Cartam domini regis & ad libertatem suam quam ipse & anteceſſores sui vſi sunt, contra quas nulla ordinatio per predictum Henricum facta, poteſt nec debet ei nocere, & bene defendit, quod nec ipse nec aliquis per ipsum, aliquid vnquam ante predictam ordinationem, nec poſt ad dictam reparationem dedit. Et hoc paratus est verificare &c. Poſtea in craſtino ſancti Martini, anno quadrageſimo ſecundo, venerunt predicti G. rl. & alii &c. Et preceptum est Vicecomiti quod venire faciat, a die Paſche in tres ſeptimanas vbicunque, duodecim tam milites quam &c. per quos &c. Et qui nec &c. nec habent terras in predicto mariſco ad receptum &c. ſi predictus Godefridus & anteceſſores ſui, poſtquam habuerunt terram ſuam de Hurſt, de dono & conceſſione domini Henrici regis Angliæ &c. ſimul cum aliis hominibus habentibus terram in dicto mariſco conſueuerunt reparare wallias & watergaugias & contribuere cum predictis hominibus ad eas reparandum, cum neceſſe fuerit, vnde ipſe Godefridus per quandam ordinationem, in quam ipſe conceſſit coram Henrico de Bathonia, quem dominus rex ad hoc miſit faciendum, dedit vnam marcam ad dictas wallias & watergaugias reparandas, antequam predictus Hamo fuiſſet Balliuus predicti

mariſci, ſicut predictus H. & I. dicunt, vel ſi predictus Godefridus vel anteceſſores ſui quieti fuerunt, de huiuſmodi reparationibus, walliarum & watergaugiarum, & preſtationibus ad eandem per Cartam predicti Henrici Regis aui &c. ita quod predictus Godefridus non conſenſit predicte ordinationi, nec aliquid vnquam dedit ad predictas wallias & watergaugias reparandas ſicut predictus Godefridus dicit. Quia tam &c. poſtea a die Paſche in tres ſeptimanas Anno quadrageſimo ſecundo, Vicecomes non miſit breue ſuum, Ideo ipſe in miſerecordia &c. ſcilicet Fulco Peyforer, Ideo ſicut prius, preceptum eſt Vicecomiti quod venire faciat, hic à die ſancte Trinitatis, in quindecim dies vbicunque &c. duodecim &c. per quos &c. Et qui nec &c. Poſtea ad diem illum venerunt predictus Godfridus H. & alii & petierunt ſibi iudicium fieri ſecundum recordum & proceſſum loquele predicte, & recitatum fuit loquela coram domino rege & conſilio ſuo. Et quia compertum eſt ſecundum recordum illud, quod dominus rex alias miſit Henricum de Bathonia Iuſticiarium ſuum ad hoc aſſignatum, ad predictum mariſcum de Romenal qui diſpoſuit quod omnes illi qui terras & tenementa in predicto mariſco haberent contributionem facerent, ſecundum quantitatem tenementorum, ad wallias & watergaugias predicti mariſci reparandum

marſhe,

marshe, as the said H. and I do affirme, or if the sayd Godfrey or his predecessors were freed from those reparations of the walles and watergauges and things incident thereto, by Charter of the sayde King Henry, Grandfather &c. So that the sayd Godfrey hath not agreed to the same ordinance, nor euer gaue any thing to repaire the same walls & watergauges, as the sayd Godfrey alledgeth, because aswell &c. Afterwards from three weekes after Easter, in the two and fortith yeare the Sheriffe hath not sent his writ, therefore he in pitty &c. that is to say, Fulke Paykorot, therefore as before it is giuen in charge to the Sheriffe, that he cause to come heare fifteene dayes after the day of S. Trinity wheresoeuer &c. twelue &c. by which &c. and which neither &c. Afterwards at that day there came the sayd Godfrey, H. and others, and desired iudgement to be done according to the record and processe of the same plea, and the plea was recited before the Lord the King and his Counsell, and because it is found according to that Record, that the Lord the King had otherwise sent Henry de Bathonia his Iustice thereunto assigned to the same Romeney marshe, who disposed that all those which had lands and tenements in the same marshe, should according to the quantity of their Tenements, contribute to repaire the walles & watergauges of the said marsh,

as the ſayd Hamo and others alledge, to which contribution the ſaid Godfrey is not bound, as the ſaid Godfrey ſaith, neither as yet is it manifeſt in the Court of the King heere, of the ſame ordinance and diſpoſition, without the which they cannot rightly proceede vnto iudgement. Day is giuen them in 15. dayes after ꝑ day of S. Michaell wheresoeuer &c. And in the meane ſpace the roules of the time of the ſayd Henry de Barhonia are ſought, and it muſt be knowen that it is forbidden that the ſayd Hamo diſtreyne the ſaid Godfry whileſt the plea dependeth. Afterwards in 15 dayes, after the day of Saint Michaell in the 43 yeare &c. the ſaid Godfrey came, & withdrew himſelfe of his ſuit againſt the ſaid Hamo and others &c. And therefore he in pitty &c. And further he graunted for himſelfe & his heires, that from henceforth they ſhould cauſe to be repaired the walls & watergauges for his part of the quãtity of his lãds together with his neighbors, as the cuſtome of his countrey is without cõtradiction or cauillation for euer. And the ſaid Hamo hath graunted and bound for himſelfe & others, that he will accompt before the 24. Jurats of the countrey, choſen vpon the diſtreſſes, & beaſts taken of the ſaid Godfrey for repairing the ſaid walles & watergauges frõ the beginning of this plea till now &c. And thoſe diſtreſſes according to the quantity of ꝑ part happning to him, ſhall in ꝑ meane ſpace ſatisfy for reparation of ꝑ walls

ſicut

ſicut predicti Hamo & alii dicunt, ad quam contributionem predictus Godefridus non obligatur, ſicut predictus Godefridus dicit, nec adhuc conſtat Curia regis hic de predictis ordinatione & diſpoſitione, ſine quibus rite ad iudicium procedi non poteſt. Data eſt eis dies a die Sancti Michaelis in quindecim dies, vbicunque &c. Et interim ſcrutantur rotuli de tempore predicti Henrici de Bathonia. Et ſciendum eſt quod inhibitum eſt dicto Hamoni ne pendente eodem placito diſtringat predictum Godefridum. Poſtea a die ſancti Michaelis in quindecim dies, anno &c. Quadrageſimo tertio, venit predictus Godefridus & ſubtraxit ſe de breui ſuo verſus prefatos Hamonem & alios &c. & ideo ipſe in miſerecordia &c. Et inſuper conceſſit pro ſe & heredibus ſuis, quod de cetero reparari facient vel faciet wallias & watergaugias pro portione quantitatis terre ſue, vna cum vicinis ſuis, prout conſuetudo patrie eſt, ſine contradictione ſeu cauillatione imperpetuum. Et predictus Hamo conceſſit & obligauit pro ſe & aliis, quod computabit coram viginti quatuor Iuratoribus electis de patria ſuper diſtrictionibus & auerijs captis, predicti Godefridi, pro predictis walliis & watergaugiis reparandis, ab initio iſtius placiti, vſque nunc &c. Et diſtrictiones ille, ſecundum quantitatem portionis ſibi contingentis, interim pro predictis walliis

& watergaugiis reparandis ſicut predictum eſt, per predictas diſtrictiones quod idem Hamo & alii ſatiſfacient in omnibus quod Coniunctum fuerit per predictum computum inter eos de ſuperpluſagio recepto de aueriis venditis predicti Godefridi occaſione predicta. Et idem Godefridus conceſſit, quod ſi predictus Hamo non computando poſſit verificare, quod aueria nomine diſtrictionis per ipſum capta occaſione premiſſa, valorem eorundem non ſufficere pro portione quantitatis terre ſue, ad predictas wallias & watergaugias reparandas, quod idem Godefridus ſatiſfaciet ei in omnibus arreragiis, ab initio eiuſdem placiti, vſque nunc, per viſum & eſtimationem predictorum viginti quatuor Iuratorum de patria &c.

Iohes de Louetot, et Henricus de Apulderfeld Iuſticiary.

16. Ed. 1.

Ordinatio dominorum Iohannis de Louetot, & Henrici de Apulderfeld Iuſticiarium domini regis de omnibus mariſcis de Romene & Oxney vſque ad Com. Suſſex.

Coram I. de Louetot, & H. de Apuldrefeild apud Romene quinto die Decembris, Anno regni regis Edwardi filii regis H. 16.

Dominus rex mandauit dilectis & fidelibus ſuis, Iohanni de Louetot, & Henrico de Apuldrefeld, breue ſuum, in hec verba. Edwardus Dei gratia Rex Anglie, Dominus Hibernie, & Dux Aquitanie, dilectis & fidelibus ſuis, Ioanni de Louetot, & Henrico de Apuldrefeld ſalutem. Sciatis quod cum nos

and

and watergauges aforesayd as is afore declared by the distreles that the sayd Hamo and others shall pay in all things which shall be inioyned by the sayde accompt betweene them of the surplusage receiued of the beasts sould by the said Godfrey by the same occasion. And the sayd Godfrey hath granted, that if the sayd Hamo bereft by accompt that the beasts taken by him in the name of distrelle by occasion aforesaid, in value cannot satisfie for the part of the quantitie of his land for the repairing of the sayd walles and watergauges, that he the sayd Godfrey will satisfie him in all arreragies from the beginning of the same plea till now by the view and estimation of the same 24. Jurates of the Countrey &c.

The Ordinance of the Lorde John de Louetot, & Henry de Appledorefeild, Justices of the lord the King of all the marshes of Romney & Orney to the county of Suffex.

Before J. de Louetot, and H. of Appledorefeild at Romney the fifth day of December in the sixteenth yeare of King Edward, sonne of King Henry.

Our Lord the King hath sent to his welbeloued and faithfull John de Louetot, and Henry de Appledorefeild his writ in theise wordes, Edward by the grace of God, King of England, Lord of Ireland, and Duke of Aquitane to our welbeloued John de Louetot, and Henry de Appledorefeild greeting. Knowe ye that whereas wee

are bound by reason of our princely dignitie, and by oath to prouide for the safetie of our kingdome. We haue assigned on euery side you to ouersee the walles and ditches by the sea coast, and the partes thereto adioyning in the County of Kent, diuersly ruynated by the rage of the Sea to enquire by whose default such hurt hath hapned there, and of all those which hold lands and tenements in those parts, and by any meanes haue defence and safety, or may haue defence or safety by those walles and ditches, and them for the quantity of their lands and Tenements, or by the number of Acres of land, or by Carucatas for the rated portion of their tenure to distreyne together with the Bailiffe of the liberties and others of these partes to repaire them in necessary places as often and where as neede shall be, so that none hauing lands or Tenements of this or other, of what condition, state, or dignitie that they be, which haue any defence by these walles and ditches, whether it be within the libertie or without, shall be spared in this behalfe. And therefore we commaund you, that for the execution of this businesse, ye behaue your selues so faithfully and discretely, that as well men resident in the same places as theyr lands, may be saued against like perrils, and casually no worse in like manner happen, and you vpon that which

ratione dignitatis regie, & per Iuramentum abstricti sumus, ad prouidendum saluationi regni nostri, circumquaq; assignauimus, vos ad superuidendum wallias & fossata per costeram maris & partium adiacentium in comitatu Kancie, per maris intemperiem diuersimode diruta, ad inquirendum per quorum defecta huius damnum contigit ibidem, & de omnibus illis qui terras & tenementa tenent in partibus illis, & defensionem & saluationem habent qualitercunque, vel habere possunt per huius wallias & fossatas, & ad eos pro quantitate terre & tenementorum suorum, siue per numerum acrarum terre, siue per carucatas pro rata portione tenure sue distringendi vna cum Balliuis libertatum & aliorum de partibus illis ad ea in locis necessariis reparandum, quotiens & vbi necesse fuerit, ita quod aliqui, tenentes terras seu tenementa huius vel alterius fuerit conditionis, status seu dignitatis, qui qualitercunque defensionem habent per huius wallias & fossatas, siue fuerit infra libertatem, siue extra nullatenus parcatur in hac parte. Et ideo vobis mandamus quod in executionem istius negotii, ita fideliter & discrete vos habeatis, quod tam homines manentes in locis predictis, quam terre eorundem saluentur contra similia pericula, & casualiter peiora nulla consimiliter fauorabiliter introducte resistente. Et vos super hiis

que

que in hac parte feceritis & ordinaueritis, ſub veſtris ſigillis & ſigillis Iuratorum tam militum, quam aliorum proborum & legalium hominum, diſtincte & aperte reddetis certiores. Mandauimus enim Vicecomiti noſtro comitatus predicti, quod ad certos dies & loca quos eis ſcire faceret, coram vobis venire faceret tot & tales probos & legales homines de Ballina ſua, per quos rei veritas melius ſciri poterit & inquiri in premiſſis &c. In cuius rei teſtimonium &c. Teſte Edmundo Comite Cornubie Conſtabulario noſtro, apud Weſtmonaſterium quinto decimo die Nouembris, anno regni noſtro ſextodecimo.

Per quod quidem mandatum, preceptum fuit Vicecomiti quod venire faceret coram prefatis Iuſticiariis hic ad hunc diem, viginti quatuor Iuratores de mariſco de Romenal, & omnes dominos walliarum eiuſdem mariſci & tot & tales probos & legales homines de ſingulis terris maritimis in Ballina ſua, per quos rei veritas in premiſſis, melius ſciri poterit & inquiri, ad faciendum vlterius id quod in premiſſis fuerit ordinandum, qui modo venerunt. Et predicti viginti quatuor Iuratores de mariſco predicto vna cum communitate eiuſdem mariſci dixerunt, quod dominus Henricus rex pater regis nunc per Cartam ſuam conceſſit eis quaſdam libertates in terris ſuis de mariſco predicto & pe-

you shall do and ordeine in this behalfe vnder your Seales, and the Seales of the Iurors, as well Knights, as other honest and lawfull men, you distinctly and publiquely certifie vs. For we haue commanded our Sheriffe of the same County, that at certaine daies and places which he shall limit them, he shall cause to come so many and such honest and lawfull men of his Bayliwicke, by whome the truth of the matter may be knowen and enquired in the premisses, In witnes whereof, &c. Witnes Edmund Earle of Cornewall our Constable at Westminster the 15. day of November, in the 16. yeare of our raigne.

By which mandate it was commanded to the Sheriffe, that he should come before the sayd Justices heere at this day, 24. Iurors of Romney marsh, and all the Lords of the townes of the same marsh, and such and so many honest and lawfull men of the seuerall lands neere to the Sea coast in his Bayliwicke, by which the truth of the matter in the premisses may the better be knowen and inquired of, and further to do that which in the premisses shall be ordeyned, who now came. And the sayd 24. Iurors of the same marsh, together with the communalty of the sayd marshe alledged, that the Lord, King Henry, father of the now King, by his Charter hath graunted vnto them certaine liberties in his lands of the same marshe, and required

required that their liberties aforesayd may be reserued vnto them, and that nothing be attempted or ordeyned to the preiudice of the same liberties, and produce a Charter of the Lord Henry our King aforesayd in these words, Henry by the grace of God, &c. They also alledged, that the Lord the King, father of our now Lord the King, in the two and fiftith yeare of his raigne, by reason of certaine discord arisen amongst diuers men of the same marshe, by meanes of repairing the same walles and watergauges, did send Henry de Bathonia his Iusticer to these partes, to heare and determine the strifes growen of the same reparation, betweene foure and twenty Iurors, and the men of the sayd marshe, and to prouide for the safety and defence of the sayd marshe, against the ouerflowing and danger of the Sea & other waters, by repairing the sayd walles and watergauges by them, which for reparation thereof, are bound according to the quantity of their lands and tenements which they haue in the same marsh. whereby they affirme that ỳ sayd Henry de Bathonia, by authority of the same mandate of our Lord King Henry aforesaid, hath ordained & established for them there a certaine law & ordinãce, by which that marsh is hitherto kept & conserued, & therefore require that by that ordinance & lawe they may hereafter be tyed and defended, as heretofore they haue bæne

tierunt

tierunt quod libertates ſue predicto ſibi ſaluentur, & quod nihil attemptetur vel ordinetur in preiudicium libertatum ſuarum predictarum. Et profert Cartam domini Henrici predicti in hac verba. Henricus dei gratia &c. Dixerunt etiam quod dominus rex pater domini regis nunc anno regni ſui quinquageſimo ſecundo ratione cuiuſdam diſſentionis ſuborte inter diuerſos homines mariſci ſupradicti occaſione walliarum & watergaugiorum ibidem reparandarum miſit Henricum de Bathonia Iuſticiarium ſuum ad partes illas, ad audiendum & terminandum contentiones ortas de reparatione predicta inter viginti quatuor Iuratores & homines predicti mariſci & ad prouidendum ſecuritati & defenſioni eiuſdem mariſci, contra maris & aliarum aquarum inundationem & periculum per reparationem prædictarum walliarum & watergaugiorum faciendam per eos qui per reparationem illam ſecundum quantitatem terrarum & tenementorum ſuorum que habent in eodem mariſco tenentur. Vnde dicunt quod prefatus Henricus de Bathonia auctoritate mandati domini Henrici regis predicti ordinauit & ſtatuit eis ibidem certam legem & ordinationem per quas mariſcus ille hucuſque cuſtoditur & ſaluatur vnde petierunt quod per ordinationem & legem illam poſſint imposterum deduci & defendi ſicut hactenus conſue-

Charta Regis H. 3tij

conſueuerunt. Et ſuper hoc protulerunt prædictam ordinationem ipſius Henrici de Bathonia ſub Sigillo domini regis in hec verba. Coram Henrico de Bathonia, &c. vt ſupra &c.

Et quia ordinatio predicti Henrici ſtatim videtur concordans equitati & hucuſq; fuit approbata, preceptum eſt & ſtatutum quod ordinatio illa in omnibus obſeruetur abſque diminutione: addito tamen quod quia in ordinatione predicta nihil fuit expreſſum de electione communis balliui domini regis in mariſco predicto, quomodo eſt per quos electio illa fieri debeat concordatum eſt, quod de cetero cedente vel decedente communi balliuo predicti mariſci locus ipſius alius eligatur, qui reſideat eſt terras habeat in predicto mariſco. Et fiat electio illa de cetero per communem aſſenſum duarum villarum eiuſdem mariſci, vel per Attornatos ſuos, & vbi maior pars numero conſenſerit, ſtabitur eorum electioni, quia ſic hactenus ibi fieri conſueuit. De duplo eſt ſumptuum appoſitorum de reparatione defectuum predicti mariſci leuand. in penam negligentium defectus ipſos contingentes reparare concordatum eſt, quod duplum illud leuetur ſicut priori ordinatione fuerat ſtatutum, & quod duplum illud in communem vtilitatem reparationis dicti mariſci reuertatur & ad vſus Balliui eiuſdem mariſci dece-

accuſto-

accuſtomed. And to that end they brought the ſame ordinance of the ſaid Henry de Bathonia, vnder the Seale of our Lord the King, in theſe words: Before Henry de Bathonia &c. as afore &c.

And becauſe the ordinance of the ſayd Henry plainely ſeemeth agreeable to equity, and hitherto hath been allowed. It is commanded and appointed that the ſame ordinance be in all points obſerued without impeachment, adding neuertheleſſe, that becauſe in the ſame ordinance nothing was expreſſed of the choice of a common Bayliffe of our Lord the King in the ſame marſhe, by what meanes and by whome that choiſe ought to be made. It is agreed, that from henceforth the ſaid common Bailiffe of the ſaid marſhe departing or deceaſing, another which is reſident, and hath lands in the ſame marſh, may haue his place. And that the ſame choiſe frō henceforth be made, by cōmon aſſent of two townes of the ſame marſh, or by their attourneys, & where the greater number agree, it ſhal ſtand at their choice, becauſe it hath been ſo accuſtomed to be done. And for leuying of the double, & of the coſts beſtowed for reparation of the defaults of the ſame marſh, for the punishmēt of ſuch as neglect to repaire thoſe defaults, it is agreed, that the ſame double be leuyed, as in the former ordinance was appointed, and that the double be reuerted, for the common

 benefite

benefite of repairing the said marsh, and not be obserued for the vse of the same Bailiffe hereafter. And because in the same marsh diuers walles & watergauges, to whose repairing & mainteining, the communalty of the same marsh doth not contribute, but only they which haue lands adiacent & nearest to the said walles & watergauges, and some by oppression of the Lords of the said marsh, do pay but sometimes for the repairing and vpholding of the same for 40. Acres, how much others for 50. Acres, that which shall be more, against the law of the marsh, and ordinance of the said Henry de Bathonia, it is agreed & ordained that notwithstanding any custome vsed before of any, all & singuler hauing lands & tenements, which are subiect to the danger of the Sea, and haue there also safety for the same, may hencefoorth be distreined to repaire and support the walles and watergauges. So that all do contribute equally according to the number of Acres which they haue there, so as none be spared, of what state and condition soeuer they be, which thereby haue safety and defence. And because in that marish of Romeney beyond the waterstreame of that Docke, stretching from Suergate towards Romenhall on the west part of that Creeke vnto the county of Sussex, there was no certain law of ꝑ marsh appointed nor vsed, but of such as haue lands at will therein, whereby diuers perils and

tero non obſeruetur. Et quia in predicto mariſco diuerſe wallie & watergaugie quatum reparationem & ſuſtentationem communitas eiuſdem mariſci non contribuit, niſi tantum illi qui dictis walliis & watergaugiis terras habent contiguas & proximas, & quidam per oppreſſiones dominorum dicti mariſci quandoque tantum ſoluerint, ad reparationem & ſuſtentationem earundem pro quadraginta acris, quantum, alii pro quinquaginta acris quod magis fuerat, contra legem mariſci & ordinationem predicti Henrici de Bathonia; concordatum eſt, & ordinatum, quod nulla conſuetudine a quocunque prius introducta reſiſtente omnes & ſinguli terre & tenementa ibidem habentes que periculo maris ſubiacent ibidem & ſaluationem habent pro eadem de ceteto diſtringantur ad wallias & watergaugias illas reparandas & ſuſtinendas. Ita quod ſinguli contribuant equaliter iuxta numerum acrarum quas habent ibidem, ita quod nulli pereatur, cuiuſcunque fuerit ſtatus & conditionis, qui per eaſdem ſaluationem habent & defenſionem. Et quia in eodem mariſco de Romenal vltra curſum aque portus illius tendentem de Suergate verſus Romenhale ex Occidentali parte illius portus vſque comitatum Suſſex, nulla fuit prius certa lex mariſci ſtatuta nec vſitata, niſi ad voluntatem terras habentium in eodem, per quod diuerſa periſcula &

damna intollerabilia per maris inundationem contigerant vt decetero talibus periculis obuietur, & communi vtilitate proſpiciatur concordatum eſt & coniunctim ordinatum, quod in mariſco vltra portum predictum verſus Suſſex ſtatuantur Iuratores per communitatem electi qui pro ſecuritate partium illarum ad hoc iurati, habito reſpectu ad numerum acrarum que dicto periculo ſubiacent, & ad quantitatem walliarum & watergaugiorum ibidem reparandarum & ſuſtinendorum per eorum ſacramentum conſiderabunt & ordinabunt quantum neceſſe ſit ad reparationem & ſuſtentationem illarum, Ita quod vnuſquiſque pro portione acrarum dicto periculo ſubiacētium eque contribuat, ad ſuſtentationem earundem. Ita quod iuxta portionem acrarum ſuarum & valorem earundem ſingulis aſſignetur in walliis et watergaugiis predictis portio ſua perticarum ſuſtinenda prout continetur plenius in ordinatione predicti Henrici de Bathonia. Et inſuper quia hactenus in partibus illis vltra portum predictum verſus Suſſex nullus fuerat communis balliuus conſtitutus, qui de periculis ibidem contingentibus prouideret et caueret pro communi vtilitate partium illarum, et ne decetero conſimilia pericula ibidē inueniantur. Ordinatum eſt, quod decetero eligatur vnus Balliuus in mariſcis predictis vltra predictum curſum aque verſus

intolle-

intollerable losses had happened by inundation of the Sea, that from henceforth such dangers may be preuented, and for common benefite seene into, It is agreed and iointly ordained, that in the marish beyond the same Creeke towards Suller, there be appointed to be chosen by the communalty, Iurors, which for security of those parts in this behalfe shall be sworne, and hauing respect to the number of acres, which are subiect to the same perill, and to the quantity of walles & watergauges there to be repaired & maintained, by their oath shall consider and ordaine as much as shall be needefull to repaire and vphold them. So that euery one for the portion of Acres subiect to the same danger, do equally contribute to sustayne them. So that according to the portion of their acres and their value, there be assigned to euery one in the same walles and watergauges, his portion of Pearches to be vpholden, as is conteyned more plainely in the ordinance of the sayd Henry de Bathonia. And moreouer, for that hitherto in those parts beyond the same Docke towards Suller, there was no common Bailiffe appointed, which should prouide & take heed of the dangers there happning, for the common good of those parts, and that hereafter no like perils there happen, It is ordained, that henceforth there be chosen a Bailiffe in the same marishes, beyond the said watercourse

towards Sholler, to ouerſee and keepe and to repaire the walles and watergauges by the places & termes of all the ſaid marſh where he ſhall ſee it moſt conuenient for the whole communalty. And cauſe the Jurors of the ſaid marſh to meete together at places requiſite, whē it ſhall be needfull to make ordinances and conſiderations for ſafety of the lands of thoſe parts, and to diſtreine therefore, and double to be taken of the negligent, when neede ſhall be, and to leuy according to the forme in the ſame ordinance of Henry de Bathonia conteined, at the choice of the ſaid Bailiffe, when it ſhall happen to be done, and that the Lords of the townes of the ſame marſh be alwaies aiding & called beyond the ſame watercourſe towards Sholler, if they will be there, and the Jurors and the whole communalty of the ſaid marſh. It is alſo ordained, that from henceforth the ſayd common Bailiffe of the King in Romney marſh be ouerſeer of the ſame Bailiffe & Jurors in the marſh, beyond the watercourſe, towards Sholler, and all the Jurors on either ſide of the ſaid watercourſe, choſen, when it ſhall be needfull, do cauſe to aſſemble to execute their ordinances & conſiderations for ſafety of the lands of ꝑ ſame marſhes, ſo that alwayes on either ſide of the ſame watercourſe they ſtand to the ordinance & conſideration of the ſaid Jurors, for the leſſe dammage & better ſafety of the land, any cuſtome notwithſtanding, ſauing alwayes the tenor of ꝑ Charter of our

Suſſex,

Suſſex, ad ſuperuidendū & cuſtodiendum, ac reparatum faciēdum wallias & watergaugias per lōca & terminos totius mariſci predicti, vbi plus viderit toti communitati expedire. Et Iuratores mariſci predicti cū neceſſe fuerit ad loca neceſſaria conuenire faciat, ad ordinationes & cōſiderationes ſuas pro ſaluatione terrarum partium illarum faciendas, & diſtrictiones ob hoc faciēdas fieri & duplum a negligentibus, cum neceſſe fuerit, leuare faciat ſecundum formam in predicta ordinatione Henrici de Bathonia contenta ad electionem vero predicti balliui cum contigerit facienda ſemper premuniantur & vocentur domini villarum eiuſdem mariſci vltra predictum curſum aque verſus Suſſex ſi intereſſe voluerint, & Iuratores & tota comunitas predicti mariſci. Ordinatum eſt etiam quod decetero predictus comunis balliuus regis in mariſco de Romane ſit ſuperuiſor predictorum Balliui & Iuratorum in mariſco vltra curſum aque verſus Suſſex, & omnes Iuratores ex vtraque parte predicti curſus aque electos, cum neceſſe fuerit, ad loca neceſſaria conuenire faciat ad ordinationes & conſiderationes ſuas faciendas pro ſaluatione terrarum predictorum mariſcorum. Ita quod ſemper ex vtraque parte predicti curſus aque ſtetur ordinationi & conſiderationi predictorum Iuratorum, ad minus terram perdendum & plus ſaluandam nulla conſuetudine reſiſtente, ſaluo ſemper tenore cartæ domini regis

comunitati dicti mariſci conceſſe & ordinatione predicti Henrici de Bathonia in ſua robore perpetuo duratura.

Willhelmus de Walleyns et Socij.

2°. Ed. 2 fi

Coram Willhelmo de Walleyns & ſociis ſuis ad ſuperuidendum wallias & watergaugias in comitatu Kancie aſſignatis die lune proxime poſt feſtum ſancte Mildrede virginis apud Newcherch, anno regni regis Edwardi filii regis Edwardi ſecundo.

Ordinatum eſt, de comuni aſſenſu dominorum mariſcorum de Lyde & Oxeney, & ex parte domini regis preceptum, quod de cetero comunis balliuus domini regis in mariſco de Romane ſuperuideat predictos balliuos & Iuratores in predictis mariſcis de Lyde & Oxene, & eos ac etiam viginti quatuor Iuratores in mariſco de Romane, cum neceſſe fuerit, ad loca neceſſaria conuenire faciat, ad ordinationes conſulendum & awardas ſuas faciendum pro ſaluatione terrarum predictorum mariſcorum. Ita quod ſemper ſtent ordinationi & conſuetudini dictorum Iuratorum ad minus terre perdendum, & ad plus ſaluandum, nulla conſuetudine reſiſtente. Saluo ſemper tenore carte domini regis comunitati dicti mariſci conceſſe, ac etiam ordinationibus dominorum Henrici de Bathonia & predicti Iohannis de Louetot, & ſociorum ſuorum in ſuo robore duratura.

Thomas de Lodelow

Ordinatio domini Thome de Lodelowe,

Lord

Lord the King graunted to the commmunalty of the sayd marsh, and the ordinance of the sayd Henry de Bathonia, to indure for euer in his owne force.

Before William de Walleyns & his fellows assigned to ouersee the walles and water-gauges in the county of Kent, on munday next ensuing the feast of S. Mildred the virgin, at Newchurch, in the second yeare of the raigne of King Edward, sonne of King Edward,

It was ordained, of common assent of the Lords of the marsh of Lyde & Oreney, and on the part of our Lord the king cõmanded, that henceforth the common Bailiffe of our Lord the king in Romney marsh, do ouersee the same Bailiffes & Jurors in the same marishes of Lyde & Oreney, and them & also 24. Jurors in Romney marsh, when neede shall be, he cause to meete at fit places, to consult of ordinances & make their awards, for safety of the lands of ỳ same marishes. So that they alwayes stand to the ordinance & custome of the said Jurors, for the lest hurt & best safety of the land, any custome notwithstanding. Sauing alwayes the tenor of the charter of our lord the king, graunted to the commmunalty of the sayd marish, and also the ordinances of the Lords Henry de Bathonia, and the sayd John de Louetot and his fellowes, which shall continue in their strength.

The ordinance of the Lord Thomas de

Lodelowe. Iustice of our Lord the King and his fellows at Crowthorne, on munday next after the feast in the 33. yeare of the raigne of King Edward the third after ꝑ Conquest, by vertue of a Commission of the Lord the King to them directed, whose tenor followeth in these words.

The King to his welbeloued and faithfull Thomas Lodelowe, Robert Welknap, and Thomas Culpeper, greeting. By the grieuous complaint of the reuerent father Symon Archbishop of Canterbury & others, hauing lands within the precinct of Romney marsh, we are aduertised, That whereas all their lands lye nigh to the Sea coast, and without continuall keeping the walles, gutters and ditches and other defences, as well for auoiding the seawater, as excluding the fresh waters there made, by no meanes can be defended & saued, For which in the time of the Lord Henry late King of England our great Grandfather, by Henry de Bathonia & his fellowes, Iustices of the same our Grandfather, to ouersee the walles, ditches and Sluces, and the defence thereof, and to cause to be made & repaired, among others it was ordained, that whosoeuer of the Tenants, and men resident within the said precinct, whom the greater part of ꝑ Lords hauing rule within ꝑ said precinct would chose, should be Bailiffe to leuy the assesments for reparation & vpholding the walles, Sluces,

iusticiarii domini regis & sociorum suorum apud Crowethorne die lune proxime post festum anno regni regis Edwardi tertii post conquestum tricesimo tertio virtute Commissionis domini regis eis directi cuius tenor sequitur in hac verba.

Rex dilectis & fidelibus suis Thome Lodelowe, Roberto Belknap, & Thome Culpeper, salutem. Ex graui querela venerabilis patris Simonis Archiepiscopi Cantuarienſis & aliorum terras infra precinctum mariſci de Romane tenentium accepimus quod cum omnes terre ille iuxta costeram maritimam iaceant, & absque continua custodia walliarum gutterarum & fossatorum & aliarum defensionum tam pro exclusione aque maritime quam pro euacuatione aquarum dulcium, ibidem factorum nequeant vllo modo defendi & saluari, per quod tempore domini Henrici quondam regis Anglie proaui nostri per Henricum de Bathonia & socios suos iusticiarios eiusdem proaui nostri ad dictas wallias fossata & gutteras, ac defensionem inde superuidendas, & fieri & reparari faciendas inter alia ordinatum fuisset, quod quicunque tenentium & residentium infra precinctum predictum, quem maior pars dominorum dominium infra eundem precinctam habentium eligerent foret Balliuus ad scotta pro reparatione & sustentatione walliarum gutterarum fossatorum & defensionum

Comissio Regis Edw. 3ti.

ſionum predictorum aſſeſſa leuandum prout in ordinationibus predictis plenius poterit apparere: & licet iuxta ordinationes illas Ioannes at Leſe tenens & reſidens infra precinctum predictum ad dictum officium dicti balliui ad dicta ſcotta leuandum per dominos mariſci predicti, in forma predicta infra precinctum illum electus fuerit & deputatus Matheus tamen at More, & alii complices ſui per falſas couinas adinuicem confederati & alligati, ad vnum alium balliuum ibidem aſſenſu ſuo qui amicis ſuis parceret, & alios indebite contra ordinationes predictas oneraret faciendum, predictum Iohannem, adeo terruerunt & horribiliter comminabantur ac alias impediuerunt, quod ſecundum predictam ordinationem officium aſſumere noluit nec audebat: & ſic in defectu dicti balliui totus mariſcus predictus per ſuperinundationem aquarum indies iminentium in periculo perditionis exiſtit niſi ſuper hoc celerius remedium apponatur. Nos aduertentes damna & pericula, que tam nobis quam toto regno noſtro & precipue in partibus illis ex ſuperinundatione huius niſi congrua defenſio ad excludendas & euacuandas aquas predictas fiat, poterint euenire, ac volentes damnis & periculis huius precauere: aſſignauimus vos tres vel duos veſtrum ad ſuperuidendum & reparari faciendum wallias, gutteras foſſata & ceteras defenſiones in mariſco

ditches

ditches & defences aforesayd: as in the same ordinances is more apparant, and albeit, according to the same ordinances, John at Lese tenant and resident within the same precinct, to the sayd office of Bailiffe to leuy the assesments aforesaid, by the Lords of the same marish in forme aforesayd within that precinct was chosen and deputed: notwithstanding Mathew at More and other his confederates by their saise decepts being confederate and knit together, to make another Bailiffe there by their owne assent, which might be partiall to his friends, and vnduly burthen others against the said ordinances, did so terrify the said John, & cruelly threaten him, and otherwise hinder him, that he cannot nor dare take vpon him the office accordingly, and so in default of the same Bailiffe, all the said marsh by ouerflowing of waters daily comming, remaineth in perill to be spoiled, vnlesse speedy redresse in this behalfe be had. We respecting the hurt and perill, which as well to vs, as to all our kingdome, and specially in those parts, by ouerflowing hereof, vnlesse meete defence to exclude and auoide the same waters, be done, may happen, and willing to preuent these hurts and daungers, haue assigned you, three or two of you, to ouersee and repaire the walles, Sluces, ditches, and ther defences made in the same marshe,

and

and to ouerſee the ſame ordinances, and in caſe that the ordinances for the ſafety and defence of the ſayd marſhe be found inſufficient for the ſame ouerflowing, to correct and amend thoſe ordinances, and if neede ſhall be, to ordayne a newe ſuch as the ſayde marſh may be defended agaynſt the ſame waters from henceforth what chances ſoeuer ſhould happen, and for grieuous punyſhments againſt thoſe which againſt the forme of the ordinances by you, three or two of you to be done, in any wiſe will not come, or will forſake your decrees: And that ye cauſe the ſame ordinances to be proclaymed, that they may be for euer circumſpectly obſerued in thoſe partes, and that ye cauſe all things elſe to be perfourmed, which for the ſafety and defence of the ſayde marſhe, and excluding and auoyding the ſame waters, ſhall be needefull and fit. And alſo to inquire by the oath of honeſt and lawfull men of the County of Kent of the confederacies, couens, and allegations aforeſayd, and alſo of the treſpaſſes and contempts to vs by the ſayde Mathewe and his complices in that behalfe made, and of the names of thoſe adherents, and that ye heare and determine the ſame confederacies, couins, alligations, treſpaſſes, and contempts aforeſayde to be heard and determined accordyng, to

predicto

predicto factas, quam ad ſuperuidendum ordinationes predictas, & in caſu quo ordinationes ille pro ſaluatione & defenſione mariſci predicti, contra ſuperinundationem predictam minus ſufficientes inueniantur, ad eaſdem ordinationes corigendas & emendandas: & ſi neceſſe fuerit ordinandas de nouo qualiter mariſcus predictus, contra aquas predictas, quibuſcunque caſibus decetero imminentibus melius ſaluari & defendi poterit, & ad punitiones rigidas contra eos, qui contra formam ordinationum per vos tres vel duos veſtrum ſic faciendum in aliquo non venerint vel delinquerint ſtatuenda, & ad eaſdem ordinationes vt perpetuo obſeruentur circumquaque in partibus illis proclamari, & ad omnia alia que pro ſaluatione & defenſione mariſci predicti, ac excluſione & euacuatione aquarum predictarum neceſſaria & opportuna fuerint fieri faciendum. Et etiam ad inquirendum per Sacramētum proborum & legalium hominum de comitatu Kancie de confederationibus couinis & allegationibus predictis, necnon de tranſgreſſionibus & contemptibus nobis per prefatum Matheum & complices ſuos nobis in hac parte factis, & de nominibus eorundem complicum, & ad eaſdem confederationes couinas alligationes tranſgreſſiones & contemptus predictus audiatis & terminetis audiendas & terminendas ſecundum

dum legem & consuetudinem regni nostri. Et ideo vobis mandamus quod ad certos dies & loca quos vos tres vel duo vestrum ad hoc prouideritis omnia & singula predicta ac inquisitiones super his factas, & confederationes, couinas, alligationes, transgressiones & contemptus predictos, audiatis & terminetis in forma predicta, facturi inde quod ad iusticiam pertinet secundum legem & consuetudinem regni nostri. Saluis nobis amerciamentis aliis inde spectantibus. Mandauimus enim vicecomiti nostro comitatus predicti, quod ad certos dies & loca, quos vos tres vel duo vestrum ei scire faciatis venire faciat coram vobis tribus vel duobus vestrum tot & tales probos & legales homines de Balliua sua per quos rei veritas in premissis melius scire poterit & inquiri. In cuius rei testimonium &c. Teste &c. apud Westmonaster, decimo septimo die Febtuarii Anno supradicto. Per quod mandatum iidem Thomas, Robertus, & Thomas, anno die & loco supradictis per cõsensum Dominorũ, Balliui, viginti quatuor Iuratorum & cõmunitatis eiusdem mariſci, videlicet per Iohannem Frances Attornatum domini Simonis Cantuarienſis Archiepiſcopi, Abbatem ſancti Auguſtini Cantuarienſis, Priorem Eccleſie Chriſti Cantuarienſis, Simonem magiſtrum domus dei donorum, Edmundum Staplegate, dominum de Bilſington inferiori, & ceteros dominos ad hoc ſpe-

the

the lawe and custome of our Realme. And therefore we commaund you, that at certaine daies and places which you, three or two of you shall limit in that behalfe, ye heare & determine all and singuler the same busines, and the confederacies, couens, alligacions, trespasses & contempts aforesaid in forme aforesaid, and that ye do further that which to iustice shall appertaine, according to the lawe & custome of our realme. Reserving to vs the other amerceaments thereby accrewing. For we haue commaunded our Sheriffe of the same county, that at certaine daies & places which you three or two of you shall appoint him, he cause to come before you, three or two of you, so many & such honest and lawfull men of his Bailywick, by whom the truth of the matter in the premisses may be knowen & inquired. In witnes whereof &c. witnes &c. at Westminster, the seuenth day of February, in the yeare aboue-said. By which mandate, the said Thomas, Robert & Thomas, in the yeare day & place aforesaid, by consent of the Lords, Bayliffs, 24. Iurors and Communalty of the same marsh, that is to say, by John Francis the Attorny of Lord Simon of Canterbury, Archbishop of Canterbury, the Abbot of S. Augustine of Cant. the Prior of Christes Church of Cant. Simon, maister of ✠ house of Gods gifts, Edmond Staplegate, Lord of Billington the lesse, & other Lords hereunto

specially chosen, with certaine also of the Communalty, to wit, by William of Ecchingham, and Stephen de Ualcyns Christus, William de Horne, and James de Capele, hereunto for the sayd Communalty elected, haue ordained and established that the common Bailiffe of Romney marsh which hath lands & is also resident there, be chosen by the common assent of the Lords of the townes of ye same marish, or by their speciall Attorneys, and where the greater part of them in number shall agree, their choise shall stand in keeping assemblies at Demecherch or Newcherch, or other meete places within the precinct of the said marsh, in quindena of S. Michaell yearely by the summons of the sayd Bailiffe, except within that yeare for some necessary & reasonable cause, that Bailiffe ought to be put out, and another set in his place, And if he which is chosen being present, will not take vpon him that office, he shall be forthwith amerced in forty shillings, which the succeeding Bayliffe may cause to be leuied of his goods & chattels for the common benefit of ye same marish. And so let there be a new choise made forthwith of another Bailiffe, which will allow of ye oath & office, and let him haue for his labour the fynes to be leuied which happen of the assessments, and also the double of all his Tenths layd out for the negligence of others whatsoeuer. And if he which is chosen be after-

cialiter

cialiter electos, cum quibuſdam etiam communitatis ſcilicet per Wilhelmū de Ecchingham, & Stephin de Valeyns Chriſtus, Wilhelmum de Home, & Iacobum de Capele ad hoc pro predicta communitate electos, ordinauerunt & ſtatuerunt quod communis Balliuus mariſci de Romene, qui terras habet ſimul & reſideat eligatur per communem aſſenſum dominorū villārum eiuſdem mariſci vel per Attornatos ſuos ſpeciales & vbi maior pars eorum numero conſenſerit ſtabitur electioni in laſtis tenendis apud Demecherche vel Newcherch, aut aliis locis congruis, infra precinctum dicti mariſci infra quindenam ſancti Michaelis annuatim per ſummonitionem balliui predicti niſi infra annum illum ex neceſſitate & cauſa rationabili oporteret balliuum illum amoueri, & alium loco ſuo poni. Et ſi electus ille preſens fuerit & officium illud admittere noluerit amercietur ſtatim in quadraginta ſolidis quos ſubſequens balliuus de bonis & cattallis ſuis leuari faciat ad communem vtilitatē mariſci predicti. Et ſic fiat noua electio incontinenti alterius balliui qui Iuramentum & officium illud admittat, & habeat pro labore ſuo dupla leuanda que tempore ſuo de Scottis aſſeſſis & leuatis contingant ac etiam dupla omnium denariorum ſuorum in negligentia aliorum, quorumcunq; appoſitorum. Et ſi electus ille impoſterum per quoſcunq; impediatur, quo

minus electus ille officium illud admittere non audeat, ſtatim huius impedientes per electores predictos puniãtur ſingulatim prout dictus balliuus puniretur, ſi iuramentum facere & officium illud admittere noluerit. Et ſi contingat, quod ille tempore electionis abſens fuerit ſtatim per balliuum mariſci tunc predeceſſorem exiſtentem diſtringetur per omnia bona & Catalla ſua & impertiantur locis congruis & conſuetis, & ibidem detineantur quouſq; Archiepiſcopo Cantuarienſis Abbati ſancti Auguſtini priori Eccleſie Chriſti Cantuarienſis qui pro tempore fuerint, vel vni eorum acceſſerit & officium illud admiſerit, & ſacramẽtum ſuum preſtauerit, & ſuper hoc literas ſuas ſigillis ſignatas detulerit Balliuo predeceſſori ſuo, & hoc faciet infra ſex dies proxime poſt dictam electionem factam, alioquin puniatur, vt predictum eſt, & ſtatim fiat noua electio, ad quod laſtum principale predicti communes Collectores omnium precedentium generalium ſcottorum & etiam expenditores coram dominis predictis, vel eorum attornatis ſi intereſſe velint Balliuo viginti quatuor Iuratoribus & communitate mariſci predicti computabunt & fiat computum inſcriptum per Indenturas factas inter ipſos & Balliuum ac viginti quatuor Iuratores & Communitatem predicti mariſci eodem modo fiat computum Balliui de his, qui ſibi contingat computare. Et ſi a-

wards hindred by any, whereby after he is chosen, he dare the lesse take vpon him that office, forthwith those hinderers shall be severally punished by the same chosers, as the same Bailiffe should be punished, if he would refuse the same oath and office: And if it happen that he in the time of his election shall be absent, he shall be forthwith distreined by the preceding Bailiffe of the said marish, by all his goods and cattals, and they shall be bestowed in places meete and accustomed, and there deteyned, vntill he shall come to the Archbishop of Canterbury, the Abbot of S. Augustine, the Prior of Christs Church in Canterbury, which for the time shall be, or to one of them, which for the time shall be, and will performe the oath, and thereupon shall bring their letters marked with their seales to the preceeding Bailiffe, and shall do the same within five dayes next after the same choise made, otherwise let him be payned as is aforesayde, and straightway let a newe choise be made. At which principall assembly, the said common Collectors of all the preceeding generall assessments, and also the defrayers thereof, shall accompt before the said Lords or their Attourneys, if they will be present, vnto the Bailiffe, 24. Jurors, & communalty of the same marish, and let the accompt be done by Indentures made betweene them, and the Bayliffe and 24. Jurors & communalty of the same marish, let the accompt of the Bailiffe for those things which happen to him be done in ỹ same maner.

And if any of the same 24. Jurors do make default in the said principall assembly, vnlesse he hath a reasonable excuse, shall be amerced in xii pence, to the vse of the Communalty to be leuied by the Bailiffe. And if it happen that any of the 24. Jurors depart within the yeare, or ought to be put out of his place, others must be chosen, and set in the principall assembly, by the lords of the Fees, the Bailiffe, the 24. Jurats, and Communalty of best discretion and ability of the same marsh, to make vp the same number of foure and twenty. In like maner also let be done touching the Collectors and Defrayers, so that they may not be chosen of the said Jurors, if the same Lords will be present. And if any of the sayd 24. Jurors, Collectors, or Disbursers shall be chosen, and will not be sworne, let him be amerced in twentie shillings, to be leuyed as is aforesayd, and forthwith others chosen and charged in their stead. And if the sayd foure and twenty Jurats shall be summoned wheresoeuer within the precinct of the said marsh, at a common or speciall meeting, where all but eight or tenne of them at the least were absent, so as iudgement and awarde for safety of the said marish may not be made, for safety of the same marsh, in default of the greater number being away, euery of them being absent, shall be amerced by the Bayliffe in sixe pence, as is aforesayd, to be leuyed. Of which and other like things, the sayd Bayliffe shall accompt in the principall assembly abouesayd. Also euery of

liquis

liquis predictorum viginti quatuor Iuratorum faciat defaltum in predicto lasto principali, nisi rationabilem habeat excusationem, amercietur in duodecem denariis ad opus communitatis per Balliuum leuandis. Et si contingat quod aliquis viginti quatuor Iuratorum discedat infra annum, vel amoueri oporteat loco suo alius aligatur & ponatur in lasto principali predicto per dominos feodorum balliuum viginti quatuor Iuratores & communitatem de fidelioribus sapientia & ditioribus eiusdem marisci vsq; ad numerum predictorum viginti quatuor completorum. Eodem modo fiat de Collectoribus & expenditoribus, ita quod non eligantur de predictis viginti quatuor Iuratoribus si domini predicti interesse velint. Et si quis predictorum viginti quatuor Iuratorum Collectorum vel expenditorum electus fuerit, & sacramentum prestare noluerit, amercietur in viginti solidis leuandis, vt predictum est, & statim alius loco suo eligatur & oneretur. Et si predicti viginti quatuor Iuratores summoniti fuerint, vbicunque infra precinctum dicti marisci ad communem vel seperale lastum, vbi adminus preter octo vel decem eorum non venerunt, ita quod iudicium & awarde pro saluatione marisci predicti non fiant pro defectu maioris numeri absentium amercietur vnusquisq; absens in sex denariis per Balliuum, vt predictum est leuandis, de quibus & aliis similibus dictus Balliuus in principali lasto supradicto computabit. Item quilibet

predictorum viginti quatuor Iuratorum, iurabit quod cum ſociis ſuis iuratis vere iudicia & awarda faciat non parcendo alicui diuiti aut pauperi tam diſtrictionibus faciendis quam de wallis landiis watergaugiis Sewetis foueis & Gutteris pontibus & aliis impedimentis quibuſcunque infra precinctum mariſci predicti contingendis amouendis & trāſgreſſiones puniendis, & quod ſint intendentes balliuo mariſci predicti ad diſtrictiones captas & impercatas per tres dies & plus appreciādum & vendendum locis conſuetis, & quod ipſe omnia iudicia & awarda per ipſos facta irrotulare & indenturare inde faciat inter ipſos & Balliuum predicti mariſci qui pro tempore fuerit. Item Collectores & expenditores electi vt ſupradictum eſt, iurabunt quod fideliter leuabunt colligent & expendent, & compurabunt de omnibus ſcottis, aſſeſſis per dominos balliuum & viginti quatuor Iuratorum vel maiorem partem eorundem. Et eodem modo fiat & obſeruetur in omnibus aquagaugiis infra precinctum dicti mariſci, & coram dominis villarum cuiuſcunq; ſi intereſſe velint. Item balliuus iurabit quod ipſe fideles executiones faciet de iudiciis & conſiderationibus predictorum viginti quatuor Iuratorum & de his que ad ipſos pertinent iudicare & awardare. Et quod ipſe in propria parſona ſua omnes collectores & expenditores tam generales ſcottas quam ſeparales aquagaugias aſſeſſas vt predictum eſt onerabit per Sacramentum fideliter leuare

the

the said 24. Jurors shall sweare, that he will make true iudgements and awards with his fellowes Jurats, without sparing any, ritch or poore, as well touching taking distresses, as of the walles, lands, watergauges, Sewers, ditches and Gutters, bridges, and other impediments whatsoeuer, happening within the precinct of the same marsh, to be remoued, and to punish offences, And that they be attendant on the Bailiffe of the said marsh, the distresses taken and deteyned by the space of three dayes and more to praise and sell in places accustomed, and that he cause all the iudgements & awards by them made, to be inrouled, & indentures therof to be made betweene them & the Bailiffe of the same marsh, which for the time shall be. And the Collectors & defrayers chosen as is aboue said, shall sweare that they shall truly leuy, collect & dispose, & also accompt of all assesments imposed by the Lords, Bayliffe, & 24. Jurors, or the greater part of them. And in like maner let it be made & obserued in all watergauges, within the precinct of the said marsh, & before the Lords of ♄ Townes, if they will be present. Also the Bayliffe shall sweare that he shall make true execution of the iudgements & arbitriments of the same foure and twenty Jurors, and of those things which apperteine to them to iudge & awarde, And that he in proper person all the Collectors and Defrayers, as well the generall, as seuerall assesments as is aforesayde, shall charge by oath faithfully to leauy, col-

lect, bestowe and accompt. And that in proper person he ouersee all the walles, lands, watergauges, Sewers, gutters & Bridges, when it shallbe needefull, at least twice in the yeare, once in the moneth of January, and the second time in the moneth of June. And that he shall deliuer to his successor all the Euidences which be in his custody, as well Charters of the kings of England conteining liberties & customes of the same marsh, as Roules of Judgements, considerations & Awards, by the aforesaid 24. Jurors, with all the proceedings of the accompts collections & expences whatsoeuer in his time had. And that ỳ Clerke of this Bayliffe may haue for his labor of the communalty of the same marsh, sixe shillings eight pence. And that it be not lawfull henceforth to make dammes or fourds or other impediments in any lands, watergauges, ditches, or common Conduits in the aforesaid marsh, whereby the right course of waters may in any wise be hindered. And if any do it and it be testified by the Bailiffe & sixe of the Jurors, or by the Communalty of the Conduit where dammage shall be done, let him be presently amersed according to the quantity of the offence, by the said Bailiffe, and 24 Jurates, and forthwith leuyed for common benefite as is aforesaid. And neuertheless, if any other then the Communalty shall be hurt thereby, and the same be proued by testimony of the Bayliffe, and sixe of the Jury, let him recompence the damnified. Also

colligc-

colligere expendere & computare. Et quod in propria persona sua superuideat omnes wallias, landeas, watergaugias, Seweres, gutteras & pontes, quando necesse fuerit, ad minus bis in anno semel in mense Ianuarii, & secundo mense Iunii. Et quod liberabit successori suo omnes euidentias quas penes se habet tam Cartas regum Anglie libertates & consuetudines eiusdem marisci continentes, quam rotulos iudiciorum considerationum & awardarum per predictos viginti quatuor Iuratores cum omni processu computorum collectorum & expenditorum quorumcunque tempore suo habito. Et habeat Clericus huius balliui pro labore suo de communitate marisci predicti sex solidos octo denarios. Non liceat alicui de cetero facere dammas vel fordas aut alia impedimenta in aliquibus landeis, watergaugeis fossatis, siue aquagiis communibus in marisco predicto, per quod rectus cursus aquarum in aliquo impediatur: Et si fecerit & hoc testificatum fuerit per Balliuum & sex de iuratis vel communitate aquagii vbi damnum factum fuerit statim amercietur secundum quantitatem delicti per predictos Balliuum & viginti quatuor Iuratores & statim leuetur ad communem vtilitatem vt predictum est. Et nihilominus siquis alius quam communitas lesus fuerit ea de causa & hoc per testimonium Balliui & sex Iuratorum probatum foret sit satisfactum leso. Item ordinauerunt

uerunt & ſtatuerunt quod quilibet ſcottas aſſeſſus in dicto mariſco proclametur certis locis publicis & dies ſolutionis inde aſſignetur & proclametur vt ignorantia vlla ſe excuſare non poſſit quando & quo loco ſolui debeat. Item ordinauerunt & ſtatuerunt quod quælibet acra pro walliis inſetenys & watergaugeis ematur pro quadraginta ſolidis. Et quod non liceat alicui aliquos operarios in communi opere exiſtentes, ad opus ſuum ſingulare, nec aliquo alio loco abducere antequam dictum opus perficiatur, & ſi aliquis ſuper hoc conuincatur per teſtimonium Balliui & Iuratorum in communi laſto amercietur in decem ſolidis qui per Balliuum predictum incontinenti leuari debent ad communem vtilitatem vt ſupra. Item ordinauerunt & ſtatuerunt quod omnes aquagii infra dictum mariſcum per quaſcunque terras & tenementa in quolibet aquagio ſic cuſtodiantur, videlicet quod aqua non diſcurrat extra rectum curſum ſuum, ad damnum alicuius ſub pena quantitatis delicti per Balliuum predictum ad opus communitatis leuãdi cùm quis ſuper hoc in cõmuni laſto per teſtamentum Balliui & ſex Iuratorum conuincatur. Et quia ab antiquo conceditur per dominum regem quod omnes terre maritime cuſtodiantur per leges ordinationes ſtatuta & conſuetudines predicti mariſci de Romene ab Inſula Theneti vſque Penenſe, tam in comitatu Kancie quam in comitatu Suſſex licitum ſit predictis Balliuo & viginti

they

they ordained & established, that euery assesmēt in the same marsh should be proclaimed in certaine publique places, and that day of payment thereof be assigned and proclaymed, that none ignorance may excuse when and in what place it ought to be payd. Also they haue ordayned & established, that euery Acre for the walles & watergauges, be bought for forty shillings. And that it be not lawfull for any one, to take away labourers being in common worke, for his owne priuate busines, nor to keepe them in any other place, vntill the same worke be finished, And if any one be conuinced thereof, by testimony of the Bayliffe and Iurors in common assembly, he shall be amerced in tenne shillings, which must be leuyed forthwith by the said Bailiff, to the common profit as aboue &c. Also they ordained and established, that all the Conduits within the said marsh, through all the lands & Tenements in euery watergauge be so kept, that is to say, that the water runne not downe out of the right course, to the dammage of any body, vnder paine of the quantity of the offence to be leuyed by the Bailiffe to the vse of the communalty, when any one is thereupon conuicted by testimony of ỳ Bailiffe & vi. of the Iurors in a common assembly. And because of old it is graunted by our Lord ỳ king, that all the lands neere to the sea coasts be kept by lawes, ordinances, Statutes & customes of ỳ said marsh of Romney, frō the Ile of Thanet vnto Penenlis, as wel in the county of Kent, as in ỳ county of Sussex, it may be lawfull for

the

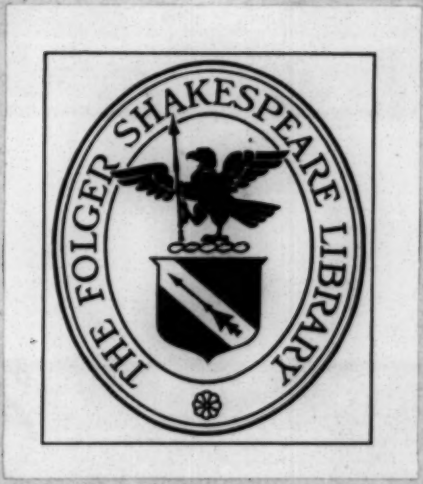
the ſaid Bayliffe and foure and twenty Iu-rors, to aſke and haue their reaſonable coſts of thoſe which will bring them to places, whether they be Lords, or of the Communalty, where they ought to make their ordinance according to the lawe of the Sea coaſt, as well in Walles as in Watergauges, Gutters, Sewers, Fiſhings, and other things whatſoeuer touching the ſame lawe. Alſo they haue ordained and eſtabliſhed, that if any make reſcues vpon the Bayliffe of the marſh, or his miniſters for any diſtreſſes whatſoeuer taken vpon whomeſoeuer, by occaſion of the ſame Articles, or of any Ordinance made or to be made for the benefit of the ſayd marſh, and thereupon by teſtimony of the ſayd Bayliffe, and ſixe or eight of the Iurors of the ſayd foure and twenty, or of the Conduit where the diſtreſſe ſhall happen to be taken, he be conuicted, let him be payned by amerceament of twenty ſhillings, to be leuyed to the vſe of the Communalty by the Bayliffe as afore-ſayde. In like maner let be done in places where the lawe of the Sea borders runneth twixt the Iſle of Thanet and Penenſis, or in the County of Kent, or in the County of Suſſex.

FINIS.

quatuor

quatuor iuratoribus ſumptos ſuos rationabiles petere eſt habere de his qui eos ad loca ducere velint ſiue ſint domini ſiue de Communitate vbi ordinationem ſuam ſecundum legem maritimam tam in walliis quam in watergaugiis Gutteris Seweris Piſcariis, & aliis quibuſcunque dictam legem tangentibus facere debeant. Item ordinauerunt & ſtatuerunt quod ſi quis reſcuſſum Balliuo mariſci vel miniſteris ſuis fecerit de diſtrictionibus quibuſcunque captis ſuper quoſcunque occaſione articulorum premiſſorum aut alicuius ordinationis pro vtilitate dicti mariſci facte ſeu faciende & ſuper hoc per teſtimonium Balliui predicti & ſex vel octo Iuratorum de predictis viginti quatuor vel aquagii vbi diſtrictio capi contigerit conuincatur per amerciamentum viginti ſolidorum, ad opus Communitatis leuandorum per Balliuum, vt ſupra.

Eodem modo fiat in locis vbi lex maritima currit inter Inſulam Theneti & Penenſi ſiue in comitatu Kancie, ſiue in comitatu Suſſex.

FINIS.

F148768
c/
STC
21312